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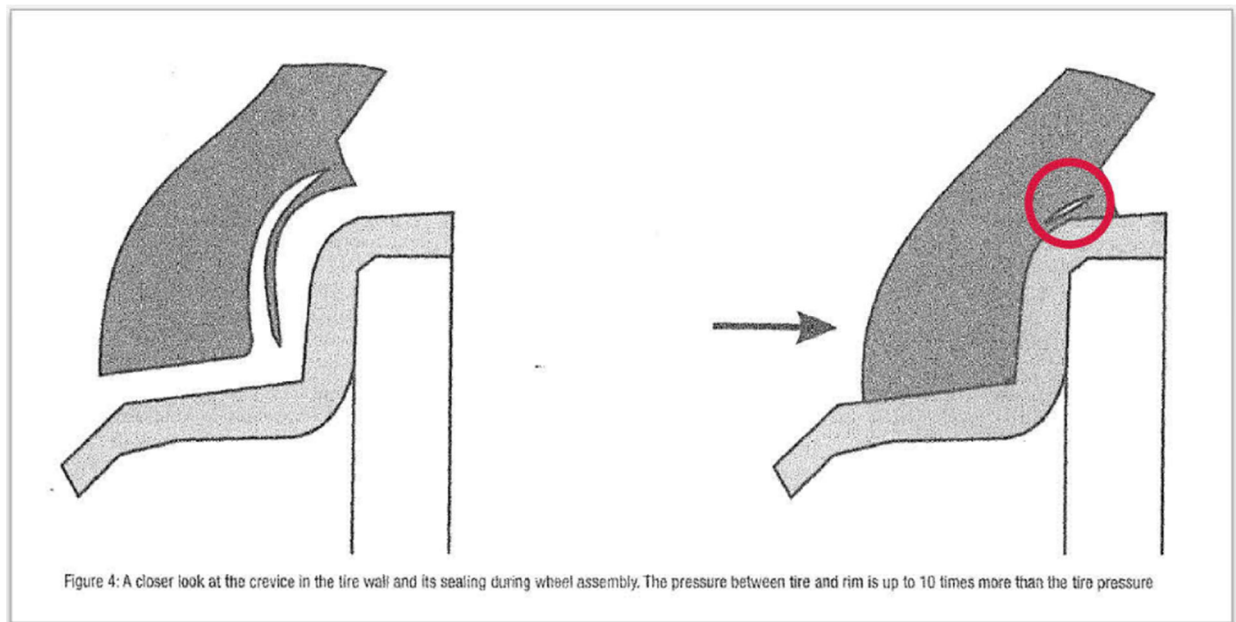
VIA CM/ECF

The Honorable Jarrett B. Perlow  
Circuit Executive & Clerk of the Court  
United States Court of Appeals for the Federal Circuit  
717 Madison Place, N.W.  
Washington D.C. 20439

Re: Rule 28(j) response letter: *Coda Development s.r.o. v. Goodyear Tire & Rubber Co.*, No. 23-1880 (argued June 2, 2025 before Lourie, Dyk, and Cunningham, JJ.)

Dear Mr. Perlow:

Yesterday, the Court asked Coda's counsel about this annotated figure from Hrabal's 2008 *Tire Technology* article, which shows—in the words of TS 24—a peristaltic “pump” (red circle) located “in the sidewall” (dark gray), “close to, and above the rim” (light gray), “where the tire cyclically deforms”:



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Red Br. 8 (citing Appx23866). The Court asked counsel to support his claim that “what is in the *Tire Technology* article is the exact same disclosure in the 2007 PCT.” Oral Arg. 36:07-36:12.

Coda’s letter directs the Court to this exchange from Hrabal’s direct testimony:

Q. Does [the article] discuss the flap solution in your --  
discussed in this your 2007 PCT?

A. That’s what it was about, yes.

Appx15958 (826:15-17).

That does not support counsel’s claim that the publications are “the exact same disclosure.” Plus, the article itself describes this Figure 4 as showing “a peristaltic tubing” that “can be created as a crevice *in the tire sidewall*” in “*the normal tire production process*,” and then describes the flap tube as an *alternative* embodiment that was “also possible.” Red Br. 8-9 (quoting Appx23865; emphasis added).

Coda’s other citations (Appx15491-15494 and Appx15498) address neither the *Tire Technology* article nor the Court’s questions. Indeed, they highlight Judge Dyk’s (and the district court’s, Appx00017-00018) concerns about Coda changing the trade secret from the one defined in the interrogatory answer: Hrabal and Coda tried to add to the “closed” TS 24 by claiming that it required avoiding “being crushed against the rim.” Appx15493-15494 (361:18-362:1).

Coda’s letter ends by criticizing the district judge for “cit[ing] only Goodyear’s brief” in her opinion. Judge Lioi cited Goodyear’s brief (Appx18056-18060) as “marshaling the trial testimony revealing that TS 24 was not secret and had been repeatedly published” (Appx00019), including the same annotated figure and description from the *Tire Technology* article (Appx18058-18059), and Hrabal’s testimony regarding it. Among that “marshal[ed]” evidence was Hrabal’s agreement that “locating a peristaltic pump in the tire sidewall near the rim in an area where it cyclically deforms was not a trade secret,” but was “public.” Appx18058 (quoting Appx15757 (625:9–12)).

Respectfully submitted,

/s/ Gregory A. Castanias

Gregory A. Castanias  
Counsel for Appellees

cc: Counsel of Record via CM/ECF